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FACSIMILE COVER SHEET

DATE: April 15, 2005

TO: NAME: BOX ISSUE FEE

COMPANY: USPTO - Commissioner for Patents

FAX NUMBER: (703) 746-4000

FROM: NAME: Mark K. Dickson (Reg.# 32,889)

CONFIRMATION #: Nighthawk Yellow USER ID: 5152

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Box Issue Fee (Group Art Unit 1661) at (703) 746-4000 of the U.S. Patent
and Trademark Office on April 15, 2005.

Gayle L. Jacob

In re application of: Keith G. Lintott

Art Unit: 1661

Appl. No.: 10/693,364

PTO Confirmation No.: 3128

Filed: October 24, 2003

Examiner: June Hwu

For: Chrysanthemum Plant Named
'Nighthawk Yellow'

Atty. Docket: 10451.0054.NPUS01

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE DATED
FEBRUARY 3, 2005**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant files these Comments on Statement of Reasons for Allowance included
with the Notice of Allowance and Fee(s) Due for the instant application dated February 3,
2005.

Applicant respectfully believes that the Examiner's Reasons for Allowance are clearly
and fully set forth in the last sentence of the 1st full paragraph and 2nd paragraph of page 3 of
the Reasons for Allowance where the Examiner concludes that:

[1]here is no evidence of the instant plant being described in a printed
publication anywhere in the world, in public use or on sale in this country,
more than one year prior to the effective filing date of this instant application.

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Applicant(s)
Appl. No. 10/693,364

The specification provides as complete a botanical description as reasonably possible of the claimed plant. The completeness of the description is sufficient to distinguish this new plant from the prior art.


The facts giving rise to the Examiner's conclusions are evident from the record as a whole. The reasons for patentability are adequately set forth in the prosecution file history, particularly in view of the Applicant's Response to Requirement for Information under 37 C.F.R. § 1.105. Further summary and characterization of the facts by the Examiner beyond the two paragraphs quoted above is unnecessary to make the bases for patentability of the claim explicit in this instance and add no additional substance to the interpretation of the facts as reflected in the above quoted reasons for allowance.

It is believed that these comments fully comply with the requirements of 37 C.F.R. § 1.104(e). If for some reason the Examiner considers otherwise, or requires additional information, Applicant requests that the Examiner call the undersigned so that any deficiencies can be remedied.

The Examiner is invited to contact the undersigned attorney at (650) 463-8234 regarding any further questions, comments or suggestions relating to this patent application.

Dated: April 15, 2005

Respectfully submitted,



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